

THE HONORABLE JAMAL N. WHITEHEAD

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

IN RE VALVE ANTITRUST LITIGATION

Case No. 2:21-cv-00563-JNW

**STIPULATED MOTION REGARDING  
SEALING OF PLAINTIFFS'  
SUPPLEMENTAL BRIEF IN  
RESPONSE TO DEFENDANT'S  
MOTION TO EXCLUDE  
TESTIMONY OF STEVEN  
SCHWARTZ, PH.D.**

**NOTE ON MOTION CALENDAR:  
September 9, 2024**

The Parties hereby present the following joint stipulation regarding sealing of Plaintiffs' Supplemental Brief in Response to Defendant's Motion to Exclude the Testimony of Steven Schwartz, Ph.D.

The Parties have met and conferred with respect to Plaintiffs' upcoming Supplemental Brief in Response to Defendant's Motion to Exclude the Testimony of Steven Schwartz, Ph.D. The Parties expect that the brief and its supporting Schwartz Sur-Reply Report will contain numerous references to materials designated as "Confidential" or "Highly Confidential Attorneys' Eyes Only Materials" under the August 16, 2022 Stipulated Protective Order (Dkt. 95). The Parties intended the prior

1 stipulation (Dkt. 308) to apply to all anticipated briefing on Defendant's Motion to Exclude the  
 2 Testimony of Steven Schwartz, Ph.D. However, out of an abundance of caution, the Parties are  
 3 submitting this stipulation to specifically address this supplemental brief and its supporting  
 4 materials.

5 The Parties have agreed to the following procedure, consistent with prior practice in this  
 6 matter, and respectfully request the Court enter an order reflecting the Parties' stipulation.

7 1. Plaintiffs may initially file under seal their Supplemental Brief in Response to  
 8 Defendant's Motion to Exclude the Testimony of Steven Schwartz, Ph.D., including all exhibits and  
 9 declarations on which they rely, consistent with prior practice in this matter including stipulated  
 10 Orders in this case (*see* Dkts. 177, 227, 308), and pursuant to LCR 5(g)(2).

11 2. The Parties agree that the deadline for any party or non-party to move to seal  
 12 materials associated with Plaintiffs' Supplemental Brief in Response to Defendant's Motion to  
 13 Exclude the Testimony of Steven Schwartz, Ph.D. shall be extended to September 30, 2024. The  
 14 Parties further agree that (1) any responses from parties and non-parties must be filed by October  
 15 14, 2024, and (2) any replies must be filed by October 21, 2024.

16 3. The Parties shall meet and confer and jointly file redacted public versions of  
 17 Plaintiffs' Supplemental Brief in Response to Defendant's Motion to Exclude the Testimony of  
 18 Steven Schwartz, Ph.D. by October 28, 2024, redacting all material that any party or non-party  
 19 moved to seal.

20 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

21 DATED this 9th day of September, 2024.

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28 Stip. Mot. Regarding Sealing  
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1 PURSUANT TO STIPULATION, IT IS SO ORDERED.

2 DATED this 17th day of September, 2024.

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5 Jamal N. Whitehead

6 UNITED STATES DISTRICT JUDGE  
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